

LBNL – PROCUREMENT STANDARD PRACTICES

Section: 22 Labor Laws
Subject: 22.6 Miscellaneous Labor Laws

PURPOSE: This standard practice (SP) describes miscellaneous labor related requirements applicable to subcontracts.

POLICY: The Laboratory will include labor related requirements of the Prime Contract in its subcontracts as applicable.

SCOPE: This SP applies to all subcontracts.

DEFINITIONS:

Contract Work Hours and Safety Standards Act The *Contract Work Hours and Safety Standards Act* requires that certain subcontracts contain a clause specifying that no laborer or mechanic be required or permitted to work more than 40 hours in any workweek unless paid for all such overtime hours at not less than 1.5 times the basic rate of pay. The Act provides that the subcontractor or lower-tier subcontractors be liable to the affected employee for the employee's unpaid wages and to the government for liquidated damages.

Walsh-Healey Public Contract Act The *Walsh-Healey Public Contracts Act (41 U.S.C. 35)*, in general, applies to subcontracts for the manufacture or furnishing of materials, supplies, articles, or equipment (referred to in this SP as supplies) and pertains to such matters as minimum wages, maximum hours, child labor, convict labor, and safe and sanitary working conditions.

This Act is not applicable to subcontracts of \$10,000 or less or for commercial items.

PROCEDURES:

Labor Relations In conducting subcontracting activities, procurement specialists shall:

- Maintain sound relations with industry and labor;
- Remain impartial concerning any dispute between labor and subcontractor management; and
- Not undertake conciliation, mediation, or arbitration of a labor dispute.

Labor Disputes DOE must be informed, through the Procurement Manager, of any actual or potential labor dispute that delays or threatens to delay the timely performance of the Prime Contract.

Convict Labor Generally, subcontractors must agree not to employ persons undergoing sentences of imprisonment in performance of Laboratory subcontracts.

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CLAUSES: The following miscellaneous labor clauses shall be included in all solicitations and subcontracts, as indicated.

Note: Several of these clauses are incorporated by reference into the sets of General Provisions.

- *Contract Work Hours and Safety Standards Act – Overtime Compensation* (FAR 52.222-4), if the subcontract exceeds \$100,000;
- The provision stipulated in Prime Contract Clause H.10, *Walsh-Healey Public Contracts Act (Special)*, in noncommercial subcontracts for the manufacture or furnishing of materials, supplies, articles, or equipment in an amount which exceeds or may exceed \$10,000 and is otherwise subject to the Act; and
- *Collective Bargaining Agreements Management and Operating Contracts* (DEAR 970.5222-1), if the subcontract is for protective services or other services that may affect the continuity of operations of the Laboratory.

RESPONSIBILITIES:

Procurement Specialist

The procurement specialist shall:

- Maintain sound relations with industry and labor while remaining impartial concerning any dispute between labor and subcontractor management, and not undertake conciliation, mediation, or arbitration of a labor dispute;
- Keep abreast of labor disputes and inform DOE, through the Procurement Manager, of any actual or potential labor dispute that delays or threatens to delay the timely performance of the Prime Contract; and
- Include applicable labor clauses in solicitations and subcontracts.

Procurement Manager

The Procurement Manager shall inform DOE of any actual or potential labor dispute that delays or threatens to delay the timely performance of the Prime Contract.

REFERENCES:

Prime Contract Clause H.10 – Walsh-Healey Public Contracts Act

Prime Contract Clause I.19 – Notice to Government of Labor Disputes

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Prime Contract Clause I.20 – Convict Labor

Prime Contract Clause I.21 – Contract Work Hours and Safety

Standards Act – Overtime Compensation

Prime Contract Clause I.73 – Displaced Employee Hiring

Preference

Prime Contract Clause I.84 – Collective Bargaining Agreements

– Management and Operating Contracts